



AUGUST 2011

AUSTRALIAN CATHOLIC MIGRANT & REFUGEE OFFICE

News

The official newsletter of the Australian Catholic Migrant & Refugee Office

Special Interest

- Drought in Kenya
- Colloquium on Ethics and Migration
- Inquiry into Australia's Immigration Detention Network
- Malaysia Deal
- Displaced in Iraq
- World Migration News



Photo: UNHCR / E. Hockstein

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WHILE Kenya's Dadaab refugee camp remains overcrowded with Somali drought refugees, the completion of recent extensions has eased some pressure.

Over the last month, the UNHCR and its partners have relocated over 25,000 refugees to the new IFO extension of Dadaab's refugee complex. The extension, which has been welcoming new refugees since July 25, was given approval by the Kenyan government after pressure from the international community.

The complex, located 100km from the Kenyan-Somali border, has been overwhelmed with Somali refugees fleeing the famine that is plaguing the already war-torn country. Originally built for 90,000 refugees, the camp is now considered to be the world's largest, hosting around 400,000 refugees. *Continued page 4,*

AUSTRALIAN CATHOLIC BISHOPS CONFERENCE



AUSTRALIAN CATHOLIC
MIGRANT & REFUGEE OFFICE



Australian Catholic Migrant and Refugee Office in association with the Australian Catholic University invites you to attend the first annual



BISHOP JOSEPH GRECH MEMORIAL COLLOQUIUM ON ETHICS AND MIGRATION

ONE HUMAN FAMILY ACROSS BORDERS

**Welcome by
Father Maurizio Pettena**

KEYNOTE SPEAKERS

Bishop Christopher Prowse
Bishop of Sale

The Honorable Chris Bowen
Minister for Immigration and Citizenship

MY STORY

A refugee journey to Australia

FACILITATOR

Anton Enus,
SBS Television Presenter



Thursday 8 September 2011 ■ 7pm- 9pm

RSVP by Friday 2 September 2011 ■ adminassistant@acmro.catholic.org.au

Central Hall Melbourne Campus ■ Australian Catholic University, 24 Brunswick Street, Fitzroy

Car parking is available at Kings Parking, Young Street, Fitzroy [off Victoria Parade]

Tram Routes 109 [Box hill via Victoria Parade] and 112 [West Preston via Brunswick Street]

Metro train to Parliament Station

Bishop Joe Grech memorial lecture to feature Immigration Minister and Catholic Bishop

An inaugural memorial lecture entitled “One Human Family Across Borders” will be held in honour of the late Bishop Joe Grech at Australian Catholic University, Fitzroy on 8 September between 7 and 9pm.

The lecture on the ethics of migration will feature Federal Immigration Minister Chris Bowen and the Bishop Christopher Prowse of the Diocese of Sale.

Director of the Australian Catholic Migrant and Refugee Office Fr Maurizio Pettena CS organised this lecture in conjunction with the ACU as a memorial for Bishop Joe Grech who died suddenly on 28 December, 2010 after a short illness.

Fr Pettena and Bishop Grech had frequently discussed the need for reasoned and compassionate debate and conversation on the ethics of migration in this country and felt that a public lecture would be a good way to raise awareness of some of the issues.

THE debate that rages around the migration phenomenon has impacted greatly upon political, economic and social aspects of our society. As Fr Maurizio explains this discourse also affects society’s religious life and challenges their appreciation of the reasons why people migrate with a consequent attitude of welcoming or rejection.

The first annual colloquium on ethics and migration offers a platform for which this complex issue can be examined. The Australian Catholic Migrant and Refugee Office of the Australian Catholic Bishops Conference has brought together two exponents of this debate, one from the Catholic Church and one from the Government, to illuminate the complex dialogue about current issues affecting migrants and refugees.

The evening will also feature a refugee who will tell her story, putting a human face on the kinds of challenges that millions of people face as they cross borders.

“The purpose for this lecture is two-fold – it is to remember the compassion with which Bishop Joe Grech dealt with issues relating to Migrants and Refugees in his time as the Australian Bishops’ spokesperson on these matters; and to stimulate conversation about the issues effecting people who leave their countries to come to this one”, he said.

“We want to give the evening a spiritual, practical, ethical and human dimension and also give people an opportunity to view all sides of the debate”, said Fr Pettena.

The evening will be facilitated by SBS presenter Anton Enus and all members of the public are welcome to attend. The event will be available as a live webcast at www.catholic.org.au and on www.acmro.catholic.org.au and will be available to watch following the event.



The complex receives around 1,300 refugees a day. They travel with all the belongings they can carry, and many are suffering from malnutrition and starvation.

When they arrive, they must wait to be registered in the camps. With such a strain on resources from the constant flow of new arrivals, the registration process can take up to one month.



Photos: Above, a water truck at the extension supplies one of the facilities water points. Below, a Somali refugee girl waits for relocation. Source: B. Bannon, UNHCR



It is hoped that the extension, will ease some of the pressure on existing camps, and provide for the flow of more refugees that is predicted to continue until the drought eases in 2012.

Words : Elizabeth Beaumont



Map : UNHCR

"It is a gross injustice to deprive of his liberty for significant periods of time a person who has committed no crime and does not intend to do so. No civilised country should willingly tolerate such injustices." UNHCR

INQUIRY INTO AUSTRALIA'S IMMIGRATION DETENTION NETWORK

The Joint Select Committee on Australia's Immigration Detention Network will conduct a comprehensive inquiry into Australia's Immigration Detention Network. Most Rev. Gerard Hana, Bishops Delegate for Migrants and Refugees, Australian Catholic Bishops Conference, made a submission to the inquiry. Extracts of his submission are as follows:

INMATES of detentions centres are often referred to as 'illegal immigrants'. This is inaccurate. Every person in the world is legally entitled to approach the borders of another country and seek asylum. The country in which asylum is being sought must then apply certain criteria as specified by international law in determining whether or not asylum will be granted.

When an irregular maritime arrival (IMA) approaches the border of Australia, they are very clear that they are seeking asylum and they are within their legal rights to do so. They may be many things but they are not "illegal immigrants". What they are doing is legal.

On the other hand, when non-IMA's (those arriving by commercial flights) cross the Australian border at an airport, they rarely declare that they are seeking asylum. They most certainly do not do so when they apply for a visa to enter Australia, before boarding an aircraft. It could be argued that at the time that they cross the border they are doing so illegally because they come for one reason while stating another on their visa application. But non-IMAs are rarely locked up in detention centres.

Anecdotal information indicates that a place on a boat costs an IMA about \$10,000. Anecdotal information indicates that the cost for a non-IMA is about \$50,000 often involving false passports, false identities and almost always incorrect information on the visa application. IMA is not the route of choice for asylum seekers; it is rather the cattle class version and the non-IMA route is business class.

WHY AN INQUIRY?

It is suggested that the current policy of locking up some asylum seekers and not others is not based on any logical policy reason. The reasons for this inequitable approach are crass politics and latent racism. Mr Glover's analysis of the rationale for the current asylum seeker policy remains accurate today. That is, both major parties accept the inherent self-centredness and latent racism of the average Australian voter. They seek to take advantage of these attitudes in order to obtain Government.

Until leaders admit that such attitudes are wrong and seek to lead Australians away from the gutter, the current policies will remain in place.

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So is there an alternative to the universal detention of IMAs? The policy regarding non-IMAs works quite efficiently and effectively. An option would be of only detaining those considered a danger to society or a risk of absconding. With such a scheme, IMAs living in the community could be required to report regularly to DIAC. Failure to report to DIAC when required would result in cancellation of their parole and return to detention. It works with the criminal justice system, why not with those who have not been convicted of a crime?

HOW?

Reforms: there are many reforms needed to the current Immigration Detention Network in Australia. The optimum would be to follow the current efficient and effective model for processing non-IMAs. But, if such a reform is unachievable, then any initiative to introduce a more humane approach towards processing IMAs would be better than the current arrangements.

LENGTH OF DETENTION

The impact of length in detention and the trauma of detention in isolated locations has been well documented by others. Catholic Church workers, both in detention centres and those assisting asylum seekers after release, see much evidence of the impact of such treatment on vulnerable people.

Unfortunately, there are some, especially among the agents and contractors, who are inappropriate for such sensitive work and who are only in the job for money. Filtering these people out of the system is very important.

RESOURCES, SUPPORT AND TRAINING FOR EMPLOYEES OF COMMONWEALTH AGENCIES

There are many dedicated Commonwealth officers and employees of agencies seeking to use their skills to manage the network efficiently and effectively while inflicting the minimum amount of harm on vulnerable detainees. These people deserve much praise and help.

The full submission is available at: www.aph.gov.au/



THE MALAYSIA DEAL: A NATIONAL DEBATE

WHAT IS THE DEAL?

THE basic premise of the swap is that Australia will send 800 asylum seekers to Malaysia in exchange for the resettlement of 4,000 refugees. The 4,000 refugees are to be resettled in Australia over a four year period, with that country bearing the cost of their transfer and settlement.

According to Hishammuddin Hussein, Malaysia's interior minister, the 800 asylum seekers sent to Malaysia will be placed in a "holding centre" for six weeks before being allowed into the community.

The Australian Government is assuring that there will be:

"Oversight and advisory committees, including representatives from Australia, Malaysia, UNHCR, IOM and others, will provide ongoing advice to both governments on day-to-day management of the arrangement and the ongoing welfare of transferees."

HIGH COURT DECISION

THE full bench of the High Court has been told the Gillard government's Malaysian swap deal interferes with the right to liberty, freedom of movement and freedom from assault.

The action was brought on behalf of a 16-year-old boy and a 24-year-old Afghan man, resulting in a High Court injunction against the removal of the first 41 asylum seekers from Christmas Island to Malaysia. The injunction has prevented their transfer thus far.

What is being questioned is whether by sending the refugees to Malaysia, Australia would be breaching international conventions.

The court has been told that under the Migration Act, the minister had the power to declare third countries places where asylum-seekers could be taken and processed, but only if there were certain legal protections. Refugee lawyers argue Malaysia does not fulfill this criteria because it was not signatory to the UN Convention on Refugees.

WHAT ARE THE REFUGEES SAYING?

DAVID Manne, who is representing the asylum seekers, says his clients question the Minister's evidence that Malaysia has adequate protections for asylum seekers.

What's more, the 16 year-old refugee at the heart of this case is a Shia muslim and is fearful that he will be persecuted in Malaysia which has a Sunni majority, "they are petrified" Mr Manne said



Photo: J. Pagonis UNHCR

These jungle camps on the outskirts of Putra Jaya, Malaysia, are home to both asylum seekers and illegal migrants.

WHAT IS THE GOVERNMENT SAYING?

FEDERAL Immigration Minister Chris Bowen has given an affidavit to the court setting out how he came to the conclusion that he could legally send asylum seekers to Malaysia.

The basis of the Government's argument is that a strong message must be sent to people smugglers who exploit those in need.

CHILDREN?

IMMIGRATION officers will have the power to decide which children are fit to make the journey to Malaysia. The Government has overruled the objections of the UNHCR that child-protection officers should make the call. Instead, the decision will be made by Immigration Department staff, with child



welfare workers permitted to "witness" pre-transfer interviews.

Words : Amelia Gilroy

Photo: J. Pagonis UNHCR

An asylum seeker from Myanmar takes a bath in a pool at a makeshift jungle camp in Malaysia.



WHAT AUSTRALIA AND THE WORLD IS SAYING...

"I am concerned that we can't really guarantee the safety of the 800 people [being sent to Malaysia]...I think we have to have a more rational debate about this asylum seeker crisis." **Anna Burke, the Labor member for Chisholm, Victor, ABC News 24**

"the opposition confirmed it would back a Greens push to refer the Malaysian deal to a Senate inquiry for scrutiny." **Lauren Wilson and Pia Akerman, The Australian**

"Although the plan promises that the migrants Australia will send to Malaysia will have more rights than the migrants already here, it has failed to satisfy refugee advocates, who accuse Australia of abandoning its international obligations." **NY Times**

"They are very vulnerable people with little protection, they have a right to go to court and check whether the proposal is lawful." **David Manne**

"Australia is using Malaysia as a dumping ground for boat people it does not want, and in the process walking away from its commitments to follow the 1951 Refugees Convention," **Phil Robertson, deputy director of the Asia division at Human Rights Watch**

"Listening to the politicians talk, we notice how happily they criss-cross from one level of debate to another level, from the ethical to the emotional, from populist answers to leading opinion. They are for or against a Nauru solution, for or against the Malaysia solution, with every debate hoping to sway some voters." **John Stuyfbergen, Opinion, SMH**

"What Australia should have done is to push Malaysia to ratify the convention, and then you are assured of protection of rights for all refugees," **Irene Fernandez, executive director of a support group for migrants, Tenaganita, NY Times**

"We believe that if we are sent to Malaysia, we will be arrested due to our religious beliefs and we will not be able to practice our faith freely," **Sayed-Navab Shah, the first plaintiff in the action.**

INTERNALLY DISPLACED PEOPLE IN IRAQ

IN a time crippled by debates over our own borders it is easy to forget those who were once at the forefront of our national agenda. It has been over 8 years since the fall of Saddam Hussein in Iraq and with that collapse came great hope. However that hope has faded, as over 1.5 million people remain displaced.

What is even more confronting is the fact that, according to the UNHCR, 500,000 of these displaced people endure dire conditions, making day to day life a struggle. Limited access to clean water, electricity, health services or schools for their children have made the level of vulnerability incredibly high.

UNHCR is working with the Government of Iraq on projects such as land allocation, shelter assistance and house reconstruction to try to find long term solutions for the displaced. However according to the UN, currently the Government of Iraq lacks both the capacity and the political will to use its resources to address humanitarian needs. Combined with the country being a high security risk, accessing the areas most in need is nearly impossible.

Local NGOs often have the best access but are not directly funded by international donors.

Though there have been some returns of both IDPs and refugees, the majority have not been able to access their original homes and properties, which may have been occupied or destroyed. Refugees International say that ongoing violence, especially in the central provinces, coupled with a lack of jobs, basic social services, and opportunities, makes voluntary return impossible for most.

Words: Amelia Gilroy

Photo: H. Caux, UNHCR

A Displaced woman and her three children stand in front of their mud house in Al-Mushraf settlement in Mosul. The spontaneous settlement is located in a garbage dump.



Photo: H. Caux, UNHCR

Displaced girls walk through Sadhe camp.



UNHCR/H. Caux

COUNTRIES surrounding the besieged Libya have witnessed record numbers of refugee influxes over the past weeks, with 14,000 people – mostly migrant workers – crossing over the border on a single day, according to the UNHCR.

Hundreds of thousands of migrant workers, as well as people with international protection needs, have fled Libya to neighbouring countries over the course of the crisis. A camp has set up close to Tunisia's border in an effort to shelter the thousands of displaced persons. The UNHCR-run facility is already full, with 15,000 people from around Africa and Asia who have fled from Libya.

Fleeing because of threats and abuse, most of the new arrivals are penniless and have no hope of making it home on their own.

With people continuing to arrive daily, UNHCR and other agencies are bracing themselves for what could be a large-scale humanitarian disaster if the fighting worsens and if large numbers of Libyans try to flee their country.

According to the UNHCR the number of people who have fled the violence since the start of mass protests against leader Muammar Al-Qadhafi has passed 212,000.

UN High Commissioner for Refugees, António Guterres, stressed how important it is to have an open border in the midst of a refugee crisis. Mr. Guterres warned that as the fighting escalates inside Libya, the situation could quickly become acute again at the border.

The UN and its humanitarian partners have launched a \$160 million appeal to meet needs arising from the crisis in Libya, where fighting continues between supporters and opponents of Mr. Al-Qadhafi.

